

4. In response to this paragraph, BANA states that it is a national banking association existing under the laws of the United States, with its headquarters as set forth in its articles of association, in Charlotte, North Carolina.

ANSWERING “JURISDICTION AND VENUE”

5. BANA admits the allegations of this paragraph.

6. BANA admits the allegations of this paragraph.

ANSWERING “FACTUAL ALLEGATIONS”

7. BANA repeats the foregoing as if set forth at length.

8. BANA denies the allegations of this paragraph.

9. BANA denies the allegations of this paragraph.

10. BANA denies the allegations of this paragraph.

11. BANA denies the allegations of this paragraph.

12. BANA admits that Plaintiff called it on or about December 15, 2015 and spoke with a customer service representative.

13. BANA admits the allegations of this paragraph.

14. BANA admits the allegations of this paragraph.

15. BANA admits the allegations of this paragraph.

16. BANA denies the allegations of this paragraph, and specifically states that all telephone calls to Plaintiff as alleged in the Amended Complaint have been manually dialed.

17. BANA denies the allegations of this paragraph.

18. BANA denies the allegations of this paragraph.

ANSWERING “FIRST CAUSE OF ACTION (Violations of the TCPA)”

19. BANA repeats the foregoing as if set forth at length.

20. The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, BANA denies any wrongdoing express or implied in this paragraph.

21. The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, BANA denies any wrongdoing express or implied in this paragraph.

22. The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, BANA denies any wrongdoing express or implied in this paragraph.

23. The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, BANA denies any wrongdoing express or implied in this paragraph.

24. BANA denies the allegations of this paragraph.

25. The allegations of this paragraph state legal conclusions to which no response is required. To the extent a response is required, BANA denies any wrongdoing express or implied in this paragraph.

26. BANA denies the allegations of this paragraph.

27. BANA denies the allegations of this paragraph.

ANSWERING “DEMAND FOR TRIAL BY JURY”

28. BANA denies that Plaintiff is entitled to a jury for the claims set forth herein.

AFFIRMATIVE DEFENSES

1. Plaintiff fails to state a claim against BANA for which relief can be granted.

2. Plaintiff lacks standing to bring claims against BANA for which he suffered no damages.

3. Plaintiff's claims are barred, in whole or in part, by the statute of limitations applicable to his claims.

WHEREFORE, BANA requests that the Court grant it judgment as follows:

1. Dismissing Plaintiff's Amended Complaint with prejudice;
2. Granting it its attorneys' fees and costs incurred in defending this litigation; and
3. Such other and further relief as this Court may deem just and proper.

Dated: July 18, 2018

Respectfully submitted,

/s/ Graham H. Claybrook

Graham H. Claybrook

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Attorneys for Defendant Bank of America, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 2018, I electronically filed the foregoing **ANSWER TO AMENDED COMPLAINT** with the Clerk of the Court using the Court's CM/ECF system, which will send notification of such filing to all counsel of record in this action.

/s/ Graham H. Claybrook

Graham H. Claybrook